

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)
Plaintiff,)
vs.) 4:05-CV-00329-TCK-SAJ
TYSON FOODS, INC., et al,)
Defendants.)

VOLUME I OF THE VIDEOTAPED

30(b)(6) DEPOSITION OF TIM ALSUP, produced as a
witness on behalf of the Plaintiff in the above
styled and numbered cause, taken on the 24th day of
June, 2008, in the City of Tulsa, County of Tulsa,
State of Oklahoma, before me, Lisa A. Steinmeyer, a
Certified Shorthand Reporter, duly certified under
and by virtue of the laws of the State of Oklahoma.

Exhibit 18

TULSA FREELANCE REPORTERS
918-587-2878

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1 of the top or if a varmint can get in there and
2 scratch around on it and dig in it, then I mean
3 that's part of their on-the-job training when
4 they're learning how to be a flock supervisor.

5 Q Who then would provide that training to a 09:38AM
6 flock supervisor in the Cargill entity?

7 A The production manager is their direct
8 supervisor.

9 Q All right, and who would be the production
10 manager in the Springdale complex today for the LLC? 09:38AM

11 A Jason Witt.

12 Q All right, thanks. It's correct, is it not,
13 that flock supervisors visit generally weekly or
14 more often for the farms under their care or
15 supervision? 09:39AM

16 A Yes, sir.

17 Q And when those flock supervisors make these
18 inspections or visits, do they prepare and fill out
19 a report each time?

20 A I do not know about each time, but they do 09:39AM
21 fill -- a lot of the times there is a report, a
22 visitation report filled out.

23 Q All right, and as part of their duties and
24 responsibilities in making the inspection at the
25 various grow-out facilities, do they check on the 09:39AM

1 temperature controls in the barn?

2 A If there is a temperature -- if they feel it's
3 too hot or too cold, they may check on it, yes.

4 Q So they actually take some temperature, do
5 they not?

09:40AM

6 A Yes, sir.

7 Q All right, and some of these temperature
8 controls are by computer as I understand it; is that
9 true?

10 A There are some contract farming operations
11 that have computer controls, yes.

09:40AM

12 Q So if need be, though, he would adjust those
13 controls if he thought it was important to do so?

14 A Only -- there's two instances, one, if he has
15 a good enough relationship with a grower -- if the
16 grower is not around -- if the grower is there, they
17 don't, but if the grower is not there and it looks
18 like the birds may be in a little distress because
19 they're too hot, he may adjust the fans to get some
20 more air. He'll note it if that's what you're
21 talking about.

09:40AM

09:40AM

22 Q That's fine. If the grower is in fact there,
23 though, he would speak with the grower and ask him
24 to make that adjustment; correct?

25 A Yes, sir.

09:41AM

1 Q Likewise, the flock supervisor would check
2 water supplies to the birds on these inspections?

3 A Yes, sir. They look to see if there's water
4 available for the birds.

5 Q And if there are issues or problems with 09:41AM
6 regards to the water supplies, they would make the
7 adjustment or ask the grower to make adjustments;
8 correct?

9 MR. WALKER: Object to the form.

10 A If there is no water, let's say, they would 09:41AM
11 try to go find the grower. You're getting into the
12 well and electrical and that, but they probably
13 wouldn't know what adjustments to make, but if it
14 was -- if a waterer was overflowing, let's say, and
15 causing a spill, they could pinch the hose off and 09:41AM
16 so it wouldn't get any bigger and then would tell
17 the grower that, yes.

18 Q The birds drink from a nipple; is that
19 correct?

20 A Only in -- only in some of the brooder houses. 09:42AM
21 The --

22 Q If those nipples are not at the proper height
23 for the birds, would a flock supervisor either
24 adjust them or ask the grower to adjust them?

25 MR. WALKER: Object to the form. 09:42AM

1 A Yes, sir.

2 Q In addition to preparing this report, he would
3 speak to the grower about things that may or may not
4 be on the report; correct?

5 A Yes, sir, they do visit with the growers.

09:46AM

6 Q Is it part of the flock supervisor's duty to
7 check every subject matter or item that are listed
8 on the forms that have those check boxes or spaces?

9 For example, we're looking at 10918. We see

10 basically seven items here, temperature,

09:46AM

11 ventilation, water, feed, litter, biosecurity and
12 curtain drop; do you see those subjects?

13 A Yes, sir.

14 Q Is it generally the responsibility of a flock
15 supervisor to check each of those items at each
16 inspection?

09:46AM

17 A He will -- everything except the curtain drop.
18 That's only done -- I believe at this time they were
19 doing it two times a year, testing them one to two
20 times a year.

09:47AM

21 Q So at those times a flock supervisor would
22 test whether the curtains drop and raise properly;
23 is that what I understand you to say?

24 A Yes, sir.

25 Q All right, but other than that, the rest of

09:47AM

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1 was some standards set out for maybe what proper
2 housing was, and I think it had to do with
3 equipment, insulation, stoves, things of that
4 matter.

5 Q And you say at one time there were standards. 10:01AM
6 Do you know what time roughly we would be -- that
7 this live production service manual that we're
8 looking at, Exhibit 27 would have come into being
9 and use?

10 A It looks like it would have been in use in the 10:01AM
11 '90's.

12 Q Okay. Going to the next page, 142602, which
13 is the second page of the document, standards for
14 proper house preparation 2A, it says wet and cake
15 litter removed; do you see that? 10:02AM

16 A Yes, sir.

17 Q All right, and that's something that Cargill
18 would expect to occur. Is that what I understand
19 this to tell us?

20 A It is a practice to remove the cake litter, 10:02AM
21 caked litter.

22 Q Okay, and go to the next page, which is Page 3
23 of the document, Item C1. It says under litter
24 management, wet and caked litter should be removed
25 when recommended by supervisor. Do you see that? 10:02AM

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1 A Yes, sir.

2 Q All right, and the supervisor it's referring
3 to here would be the flock supervisor; correct?

4 A Yes, sir.

5 Q All right. The next page in this document, 10:02AM
6 it's Page 142604. This says Class B housing
7 standards. So do I understand that there are --
8 this says improper housing. Do you understand what
9 that is telling us in this manual?

10 A If they did not meet the requirements for the 10:03AM
11 Class A housing, it would have been put into this
12 category.

13 Q All right. So then these are criteria then
14 that need to be accomplished in order to have a
15 Class B housing; is that what I understand? 10:03AM

16 A Yes, sir.

17 Q Whose responsibility is it to communicate
18 the -- whether a grower has houses that qualify
19 under the Class A or Class B housing requirements?

20 A That -- I don't believe that is being used, 10:04AM
21 but at that time in the '90's, it would have been
22 the flock supervisor and the grow-out manager,
23 production manager.

24 Q Look at the next page, 142605. Are you there?

25 House preparation and sanitation of brooder house. 10:04AM

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1 A Yes, sir.

2 Q Tell the court what a brooder house is.

3 A A brooder house is the house that baby turkeys
4 or poults are delivered to. They -- it's not like
5 chickens where they go to all the houses. They go
6 to a specific house.

10:04AM

7 Q Okay, and Item 4 of this particular page, it
8 says in the second sentence of that paragraph, if
9 there has been no health problems with previous
10 flock, litter may be reused, but consult your flock
11 supervisor on what should be done before any is
12 removed. Is that still the condition or did that
13 continue to be a condition for Cargill growers?

10:05AM

14 MR. WALKER: Object to the form.

15 A The brooder -- the litter in the brooder house
16 is now used in the grow-out. It's just -- the birds
17 are real small in a brooder house, so it's mainly
18 just shavings. So looks like at this time they were
19 even reusing it because it was still mainly shavings
20 but --

10:05AM

10:05AM

21 Q I'm sorry. Go ahead.

22 A But now that litter is -- that bedding and
23 litter material is used in the grow-out house.

24 Q Understanding that, though, this says he
25 should consult to the flock supervisor when it's

10:05AM

1 removed; will you agree with that?

2 A Yes, it does say that.

3 Q We need to stop and change our tape and take a
4 break.

5 VIDEOGRAPHER: We're now off the Record. 10:06AM
6 We're off at 10:05 a.m.

7 (Following a short recess at 10:06
8 a.m., proceedings continued on the Record at 10:10
9 a.m.)

10 VIDEOGRAPHER: We are back on the Record. 10:10AM
11 The time is 10:10 a.m.

12 Q Mr. Alsup, you may close that one, and I'll
13 hand you a new exhibit, No. 28. It's a turkey
14 management handbook, Cargill live production team,
15 Springdale, dated 1990 to '91, and it starts at 10:11AM
16 Bates number 229516. Is this the grow-out
17 management manual that is provided to growers that
18 you referred to earlier in your testimony?

19 A This is -- this would have been given to them,
20 yes. 10:11AM

21 Q Okay. Do you know how long this particular
22 version was used by Cargill?

23 A No, sir.

24 Q Do you know whether or not this particular
25 version that we're looking at has been since revised 10:12AM

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1 Q All right. So I said service tech. Is that
2 what you also know to be a similar name for a flock
3 supervisor?

4 A Yes, sir.

5 Q All right, and I apologize for using a 10:16AM
6 different one, but it seems to be interchangeable
7 from what I'm understanding, but even though they
8 may prepare it, is it expected that the flock
9 supervisor have a working knowledge of the grower
10 manual that's provided to its growers? 10:16AM

11 A They do have a working knowledge.

12 Q Look at page Bates number 229541. It's Page
13 26 of the actual document. This has a revision date
14 it looks like coded at the bottom October 1, 1990.

15 Do you see that? 10:17AM

16 A Yes, sir.

17 Q All right, and in Paragraph B of this
18 particular page, it says remove and spread all caked
19 litter from house, and then it also says in the
20 parenthesis there, do not pile outside of house 10:17AM
21 unless 100 feet away from the house or houses and
22 coughed to prevent groundwater contamination from
23 rain runoff; do you see that?

24 A Yes, sir.

25 Q All right. Can you tell me why Cargill would 10:17AM

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1 require the pile to be 100 feet away from the
2 houses?

3 A Biosecurity.

4 Q All right, and the biosecurity is to protect
5 birds?

10:17AM

6 A Bird health.

7 Q Okay. It's not there to protect humans also?

8 A No. It's bird health.

9 Q Okay, and when it says it's to be covered to
10 prevent groundwater contamination from rain runoff,
11 what is that attempting to tell the grower; what do
12 you understand that to mean?

10:17AM

13 A At that time there was some nitrogen concerns,
14 and my terminology that was given to me at the time
15 was Blue Baby. If nitrates got in the well water,
16 it could cause a condition called Blue Baby, and I
17 don't know about that, but that would have been to
18 address -- I think that Blue Baby thing started with
19 commercial fertilizer and crops, but litter does
20 have nitrates in it, so there was a some -- there
21 may even have been some studies going on or federal
22 and state and local governments were looking at it,
23 but that's what that's addressing.

10:18AM

10:18AM

24 Q Were flock supervisors then advised to watch
25 for these particular instructions and see that

10:18AM

1 those two that you identified that were --I believe
2 those were involved with Cargill, Inc.; correct?

3 A Uh-huh.

4 Q So those wouldn't be applicable for the LLC
5 questions. Has the LLC disciplined any of its
6 growers for failing to adhere to any environmental
7 laws, rules or regulations?

11:03AM

8 A No, sir.

9 Q Prior to July 1, 1998, did Cargill know what
10 its growers, contract growers did with the poultry
11 waste that was produced by the birds in the barn?

11:04AM

12 A Specifically, no.

13 Q Generally did they know what was done with the
14 poultry waste that was removed prior to 1998?

15 MR. WALKER: Object to the form.

11:04AM

16 A Generally Cargill understood that the turkey
17 litter was being utilized either by them or others
18 as a fertilizer.

19 Q In fact, we saw a document earlier here today
20 that said they should clean out and spread it, and
21 we talked about that being spread on the land;
22 correct?

11:05AM

23 A Yes, sir.

24 Q Okay. Would you agree with me that since 1998
25 Cargill's knowledge, that general knowledge about

11:05AM

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1 Q Let me ask it this way then: How are the
2 records created that shows the total number of birds
3 that are in fact produced by Cargill; how does that
4 start to get into the computer?

5 MR. WALKER: Object to the form. 09:57AM

6 A When a flock is placed, I believe the flock is
7 given a number, and when given a number, for lack of
8 a better -- I'm not an accountant -- an account is
9 set up, and as that flock is grown, as it receives
10 feed or whatever that flock receives, it goes into 09:57AM
11 that account. Is that what you're talking about?

12 Q Now, who determines how many -- who counts the
13 birds that are placed?

14 A Who counts them?

15 Q How does the computer know the number of birds 09:57AM
16 placed without somebody putting it in there?

17 A It's entered.

18 Q And that's my question. Who determines the
19 amount of birds?

20 A The -- well, every flock -- every contractor 09:57AM
21 has a contract that states the amount of birds that
22 we're going to place, and then as they come up for
23 placement and it's their turn, they get put on a
24 placement schedule.

25 Q Let me ask my question again. How do you know 09:58AM